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SEA

SERVICE DATE - OCTOBER 8, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 221X)

**Union Pacific Railroad Company – Abandonment Exemption – in Santa Clara County,
CA**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over a portion of the line, known as the San Jose Industrial Lead, in Santa Clara County, California. The portion of the line extends 3.3 miles from milepost 16.3 to milepost 19.6 in central San Jose. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The line passes through a flat and urban region in the city of San Jose, according to UP. UP states that the line is surrounded by existing streets, highways, mass transportation services, utilities and public parks. UP states that the portion of the line from milepost 16.3 to milepost 17.49 is owned by the Santa Clara Valley Transportation Authority and that UP is proposing to discontinue its trackage rights and abandon its freight easement over this portion of the line. UP owns the portion of the line from milepost 17.49 to milepost 19.6 and proposes to abandon this portion of the line. According to UP, Smurfit Stone Recycling Corporation (Smurfit) is the only shipper on the line. Smurfit shipped 138 cars of scrap or waste paper over the line in 2002; 123 cars of scrap or waste paper over the line in 2003; and 26 cars of scrap or waste paper over the line in the first quarter of 2004.

UP states that Smurfit would continue to receive rail service by UP through the building of a new spur from Smurfit's facility to another UP line that is just southeast of the San Jose Industrial Lead. The spur would extend for approximately 600 feet within an existing UP rail yard area on existing UP right-of-way (information provided orally by Mack Shumate of UP on October 5, 2004).

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment and

discontinuance of service or any post-abandonment activities, including salvage and disposition of the right-of-way and the building of the new spur track. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The National Geodetic Survey (NGS) has submitted comments stating that one geodetic station marker may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy this marker. Accordingly, we will recommend a condition requiring UP to consult with NGS.

The California Coastal Commission has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring UP to consult with the California Coastal Commission regarding California State Coastal Management consistency certification.

Traffic

UP indicates that Smurfit could ship 99 cars of scrap or waste paper in the Base Year. Thus, the proposed abandonment could result in the conversion of 99 railcars to truck traffic, although UP states that Smurfit would continue to be served by another UP line through the building of the new rail spur. Using a conversion factor of 4 trucks per railcar,¹ SEA calculated that, if all the rail traffic is diverted to truck traffic, about 396 loaded trucks per year or 792 total trucks (assuming an empty backhaul) could be added to area roadways per year. Assuming a 250 workday year, this would mean that about 3 trucks per day could be added to area roadways.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the California Office of Historic Preservation (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). UP states that there are two bridges on the line. The SHPO has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

¹ The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

1. Based on the comments of the National Geodetic Survey (NGS), we recommend that **Union Pacific Railroad Company shall consult with NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. Because the California Office of Historic Preservation has not completed its review of the proposed abandonment, we recommend that **Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**
3. **Prior to beginning any salvage activities, Union Pacific Railroad Company (UP) shall consult with the California Coastal Commission to determine whether California State Coastal Management consistency certification is required. If consistency certification is required, UP shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of and discontinuance of service over the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment and discontinuance of service would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 221X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **October 8, 2004.**

Comment due date: November 8, 2004.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

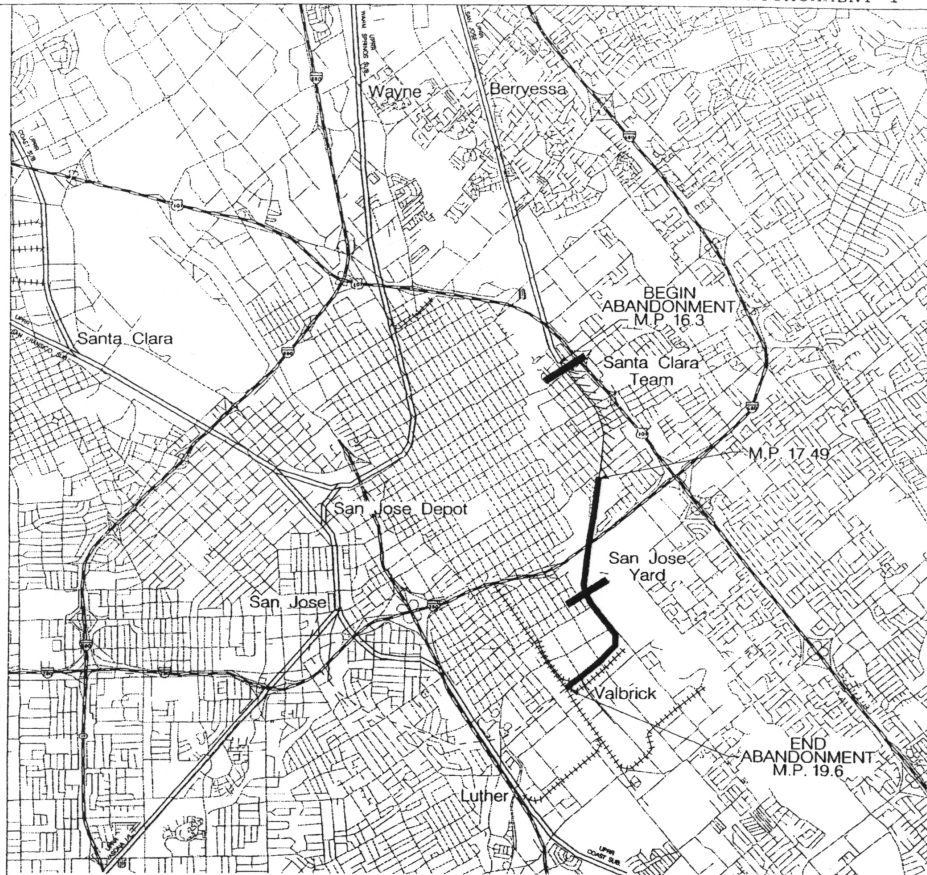
Vernon A. Williams
Secretary

Attachment

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ID NO. 34995

ATTACHMENT 1



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
18.32	5 SPAN TPTBD	75'	UNKNOWN
18.43	13 SPAN TPTBD	260'	UNKNOWN

LEGEND

- UPRR LINES TO BE ABANDONED
- UPRR TRACKAGE RIGHTS OVER SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
- ABANDONED TRACK
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

SAN JOSE INDUSTRIAL LEAD

MP 16.3 TO MP 19.6

TOTAL OF 3.3 MILES

IN SANTA CLARA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.

SAN JOSE INDUSTRIAL LEAD

SANTA CLARA TEAM TO VALBRICK, CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0343_san jose.dgn

DATE: 06-May-04 09:40

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